

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

TWENTY-FIRST DAY, THURSDAY, FEBRUARY 10, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father David Buescher.

Heavenly Father, Creator of all that is of this generative Earth, we take a moment to attune ourselves to Your presence. For many of us most of the time, You are the backdrop of our day. We seldom notice You except in great joy, in great pain, or in great need.

As our representatives endeavor to perceive Your gentle and powerful company behind and within this moment, may Your spirit of compassionate strength enable and empower the energy they expend and the work they do today. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twentieth day was approved as printed by the following vote:

AYES: 159

Aull	Baker 123	Baker 25	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bland
Bowman	Boykins	Bringer	Brooks	Brown 30
Brown 150	Bruns	Burnett	Byrd	Chappelle-Nadal
Casey	Chinn	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly	Dougherty
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Fraser	George
Goodman	Guest	Harris 110	Harris 23	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Oxford
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Roorda	Rucker
Ruestman	Rupp	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Schoemehl
Selby	Self	Shoemyer	Skaggs	Smith 118

Smith 14	Spreng	Stefanick	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright-Jones	Wright 137	Wright 159	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Avery Dusenberg Page

VACANCIES: 001

HOUSE CONCURRENT RESOLUTION

Representative Zweifel, et al., offered House Concurrent Resolution No. 19.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 431

through

- House Resolution No. 440 - Representative Dempsey, et al.
- House Resolution No. 441 - Representative Hobbs
- House Resolution No. 442 - Representative Dixon
- House Resolution No. 443 - Representative Wasson
- House Resolution No. 444 - Representative Franz
- House Resolution No. 445 - Representative Hobbs
- House Resolution No. 446

and

- House Resolution No. 447 - Representative Hunter
- House Resolution No. 448 - Representative Brown (30)
- House Resolution No. 449 - Representative Loehner
- House Resolution No. 450 - Representative Viebrock
- House Resolution No. 451 - Representative Black
- House Resolution No. 452 - Representative May
- House Resolution No. 453

and

- House Resolution No. 454 - Representative Dixon
- House Resolution No. 455 - Representative Quinn
- House Resolution No. 456 - Representative Pratt
- House Resolution No. 457 - Representative Witte
- House Resolution No. 458 - Representative Byrd
- House Resolution No. 459 - Representative Jackson, et al.
- House Resolution No. 460 - Representative Nolte
- House Resolution No. 461 - Representative Cooper (158)

House Resolution No. 462 - Representative Cunningham (145)
House Resolution No. 463 - Representative Guest
House Resolution No. 464 - Representative Cunningham (145)
House Resolution No. 465
and
House Resolution No. 466 - Representative Brown (30)
House Resolution No. 467
through
House Resolution No. 477 - Representative Cooper (120)
House Resolution No. 478 - Representative Cunningham (145)
House Resolution No. 479 - Representative Dethrow
House Resolution No. 480 - Representative Kingery

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 14 was read the second time.

SECOND READING OF HOUSE BILLS

HB 483 through **HB 500** were read the second time.

COMMITTEE REPORTS

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 17**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 297**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate**.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 11 - Rules
HR 12 - Rules
HR 96 - Rules
HR 134 - Rules
HR 163 - Rules
HR 193 - Rules
HR 222 - Rules
HR 298 - Rules

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 3 - Rules
HCR 4 - Rules
HCR 9 - Rules
HCR 11 - Rules
HCR 12 - Rules
HCR 15 - Rules

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 1 - Elections
HJR 2 - Elections
HJR 3 - Conservation and Natural Resources
HJR 9 - Elementary and Secondary Education
HJR 12 - Budget

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 30 - Insurance Policy
HB 32 - Job Creation and Economic Development
HB 33 - Conservation and Natural Resources
HB 34 - Elementary and Secondary Education
HB 35 - Elementary and Secondary Education
HB 36 - Children and Families
HB 45 - Local Government
HB 51 - Elementary and Secondary Education
HB 55 - Special Committee on Education Funding
HB 60 - Health Care Policy
HB 78 - Small Business
HB 79 - Elementary and Secondary Education
HB 80 - Insurance Policy
HB 83 - Crime Prevention and Public Safety
HB 84 - Insurance Policy
HB 91 - Local Government
HB 100 - Children and Families
HB 101 - Crime Prevention and Public Safety
HB 102 - Small Business
HB 106 - Elementary and Secondary Education
HB 110 - Senior Citizen Advocacy
HB 112 - Retirement

HB 116 - Agriculture Policy
HB 117 - Elections
HB 124 - Transportation
HB 128 - Special Committee on Education Funding
HB 129 - Special Committee on Education Funding
HB 130 - Conservation and Natural Resources
HB 134 - Utilities
HB 138 - Insurance Policy
HB 139 - Professional Registration and Licensing
HB 140 - Crime Prevention and Public Safety
HB 143 - Children and Families
HB 144 - Children and Families
HB 146 - Ways and Means
HB 149 - Elections
HB 151 - Crime Prevention and Public Safety
HB 157 - Conservation and Natural Resources
HB 160 - Ways and Means
HB 161 - Conservation and Natural Resources
HB 165 - Crime Prevention and Public Safety
HB 167 - Crime Prevention and Public Safety
HB 174 - Professional Registration and Licensing
HB 176 - Local Government
HB 179 - Local Government
HB 183 - Transportation
HB 187 - Children and Families
HB 192 - Conservation and Natural Resources
HB 195 - Retirement
HB 197 - Workforce Development and Workplace Safety
HB 198 - Insurance Policy
HB 199 - Elections
HB 202 - Insurance Policy
HB 204 - Senior Citizen Advocacy
HB 206 - Insurance Policy
HB 214 - Elections
HB 223 - Transportation
HB 224 - Ways and Means
HB 228 - Senior Citizen Advocacy
HB 232 - Health Care Policy
HB 233 - Crime Prevention and Public Safety
HB 238 - Retirement
HB 239 - Retirement
HB 241 - Insurance Policy
HB 242 - Ways and Means
HB 244 - Crime Prevention and Public Safety
HB 246 - Health Care Policy
HB 252 - Children and Families
HB 255 - Elections

- HB 265** - Small Business
- HB 266** - Judiciary
- HB 271** - Health Care Policy
- HB 274** - Elementary and Secondary Education
- HB 275** - Higher Education
- HB 280** - Elections
- HB 282** - Elementary and Secondary Education
- HB 286** - Special Committee on Urban Issues
- HB 287** - Judiciary
- HB 288** - Transportation
- HB 289** - Elementary and Secondary Education
- HB 291** - Ways and Means
- HB 294** - Veterans
- HB 296** - Ways and Means
- HB 299** - Workforce Development and Workplace Safety
- HB 303** - Agriculture Policy
- HB 305** - Agriculture Policy
- HB 307** - Transportation
- HB 311** - Professional Registration and Licensing
- HB 322** - Judiciary
- HB 327** - Retirement
- HB 333** - Retirement
- HB 334** - Retirement
- HB 338** - Utilities
- HB 342** - Local Government
- HB 343** - Local Government
- HB 344** - Local Government
- HB 345** - Local Government
- HB 347** - Local Government
- HB 350** - Ways and Means
- HB 351** - Crime Prevention and Public Safety
- HB 368** - Agriculture Policy
- HB 375** - Transportation
- HB 379** - Financial Institutions
- HB 380** - Local Government
- HB 381** - Local Government
- HB 385** - Transportation
- HB 389** - Crime Prevention and Public Safety
- HB 390** - Crime Prevention and Public Safety
- HB 395** - Local Government
- HB 398** - Transportation
- HB 399** - Utilities
- HB 402** - Professional Registration and Licensing
- HB 404** - Local Government
- HB 406** - Transportation
- HB 407** - Crime Prevention and Public Safety
- HB 409** - Judiciary

HB 410 - Transportation
HB 422 - Corrections and Public Institutions
HB 423 - Transportation
HB 426 - Workforce Development and Workplace Safety
HB 427 - Workforce Development and Workplace Safety
HB 428 - Workforce Development and Workplace Safety
HB 429 - Workforce Development and Workplace Safety
HB 430 - Crime Prevention and Public Safety
HB 433 - Utilities
HB 436 - Crime Prevention and Public Safety
HB 437 - Veterans
HB 438 - Special Committee on Urban Issues
HB 449 - Ways and Means
HB 450 - Local Government
HB 453 - Corrections and Public Institutions
HB 468 - Financial Institutions
HB 478 - Conservation and Natural Resources

COMMITTEE REPORT

Committee on Judiciary, Chairman Byrd reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 393**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 501, introduced by Representatives Pratt, Munzlinger, Yates, Hobbs and Brown (30), relating to property taxes.

HB 502, introduced by Representative Munzlinger, relating to tourism tax on transient guests in hotels and motels.

HB 503, introduced by Representatives Sater, Whorton, Baker (25), Threlkeld, Cooper (155), Weter, Wright (159), Bowman, Ervin, Dempsey, Stefanick, Lampe and Faith, relating to physician assistants.

HB 504, introduced by Representatives Wood, Denison, Sater and Moore, relating to psychologist licensing.

HB 505, introduced by Representatives Johnson (47) and Villa, relating to Missouri wine.

HB 506, introduced by Representatives Lowe (44), George, Walsh, Donnelly, Spreng, Kratky, Harris (23), Jolly, Schoemehl, Young, Storch, Corcoran, Burnett, Meadows and Darrough, relating to oversight of public privatization contracts.

HB 507, introduced by Representatives Dougherty, Selby, Brown (30), LeVota, Salva, Spreng, Harris (110), Burnett, Wildberger, Dusenberg, Meadows, Young, Kelly and Rucker, relating to property assessments on homesteads.

HB 508, introduced by Representatives Pratt and Skaggs, relating to fuel storage.

HB 509, introduced by Representatives Smith (14), Smith (118), Roorda, Dougherty, Vogt, Daus, Munzlinger, Hunter, Ruestman, Johnson (47), Meiners, Moore, Schlottach, Wright-Jones, Schneider, Parker, Meadows and Lowe (44), relating to unfinished bottles of wine.

HB 510, introduced by Representatives Bruns, Hobbs, Dethrow, Bringer and Deeken, relating to hazardous waste.

HB 511, introduced by Representatives Stefanick, Parson, Jones, Wood, Behnen, Bruns, Pratt, Brown (30), Dusenberg, Goodman, Deeken, Wagner, Lipke and Sutherland, relating to possession, control, or consumption of a controlled substance.

HB 512, introduced by Representatives Smith (118) and Wilson (130), relating to employee information.

HB 513, introduced by Representatives Zweifel, Liese, Darrough, Corcoran and Spreng, relating to the designation of a certain highway.

HB 514, introduced by Representative Pratt, relating to cardiac automated external defibrillators in schools.

HB 515, introduced by Representative Wood, relating to tourism community enhancement districts.

HB 516, introduced by Representatives Hubbard, Chappelle-Nadal, Boykins, Lowe (44), Meiners, Bland, Daus, Bowman, Walsh, Low (39), Harris (110), Walton, Oxford, Sanders Brooks, Curls, Haywood, Hoskins, Fraser, Schoemehl, Spreng, Wright-Jones and El-Amin, relating to the death penalty.

HB 517, introduced by Representatives St. Onge, Schlottach, Bivins, Pearce, Sander, Munzlinger, Threlkeld, Moore, Storch, Whorton, Dusenberg and Yaeger, relating to expanding the membership of the highways and transportation commission.

HB 518, introduced by Representatives St. Onge, Sutherland, Moore, Munzlinger, Storch, Threlkeld, Whorton, Meadows, Brown (30), Dusenberg, Yaeger and Wilson (119), relating to highway work zone protection.

HB 519, introduced by Representatives Roark, Hunter, Goodman, Schneider, Threlkeld, Stevenson, Yates, Bearden and Wilson (130), relating to unemployment insurance.

HB 520, introduced by Representatives Fraser, Oxford, Bowman, Daus, Page, Wildberger, Johnson (61) and Low (39), relating to concealed carry endorsements.

HB 521, introduced by Representatives Fraser, Oxford, Bowman, Daus and Low (39), relating to criminally negligent storage of a firearm.

HB 522, introduced by Representatives Zweifel, Corcoran, Roorda, Darrough, Spreng, Jolly, Young, Meadows, Page, Whorton and Liese, relating to veterans.

HB 523, introduced by Representatives Zweifel, Chappelle-Nadal, Meadows, Yaeger, LeVota, Darrough, Whorton, Witte and Jolly, relating to nonpublic personal health information.

HB 524, introduced by Representatives May, Deeken, Moore, Donnelly and Witte, relating to lobbyist duties.

HB 525, introduced by Representatives May and Deeken, relating to ethics.

HB 526, introduced by Representatives Ruestman, Wilson (130), Wasson, Cunningham (145), Threlkeld, Deeken, Chinn, Brown (30) and Phillips, relating to involuntary manslaughter.

HB 527, introduced by Representatives Storch, Donnelly, Villa, Boykins, Johnson (61), Wright-Jones, Rucker and Shoemyer, relating to transferability of certain tax credits.

HB 528, introduced by Representative Cunningham (145), relating to motor fuel tax.

HB 529, introduced by Representatives Witte, Lampe, Wildberger, Donnelly, Young, Robinson, Barnitz, Roorda, Burnett, Baker (25), Spreng, Harris (110), Harris (23), LeVota, Jolly, Lowe (44), Aull, Kuessner, Dougherty, Henke, Whorton, Darrough, Zweifel, Swinger, Storch, Meadows, Fraser, Bowman, Yaeger and Oxford, relating to medical malpractice.

HB 530, introduced by Representatives Moore, Page, Stevenson, Smith (14), Munzlinger, Parker, Sander, Dixon, Wilson (130), Boykins, Darrough, Harris (110), Whorton, Daus, Walton, Lowe (44), Yaeger, Baker (25) and Schoemehl, relating to American Sign Language.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 1 & 130**, entitled:

An act to repeal sections 287.020, 287.040, 287.063, 287.067, 287.120, 287.128, 287.129, 287.143, 287.150, 287.170, 287.190, 287.197, 287.215, 287.380, 287.390, 287.420, 287.510, 287.550, 287.715, 287.800, 287.865 and 287.957, RSMo, and to enact in lieu thereof twenty-five new sections relating to workers' compensation, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 10 & 27**, entitled:

An act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the sale of products containing pseudoephedrine and ephedrine, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Brown is no longer a member of the Veterans Committee.

Representative Chinn has been appointed a member of the Healthcare Policy Committee.

Representative Flook is no longer a member of the Special Committee on Urban Issues.

Representative Hughes is no longer a member of the Special Committee on Education Funding.

Representative Pratt has been appointed a member of the Special Committee on Urban Issues.

Representative Rucker has been appointed a member of the Special Committee on Education Funding.

Representative Stefanick is no longer is no longer a member of the Healthcare Policy Committee.

Representative Whorton has been appointed a member of the Veterans Committee.

Representative Wright (159) has been appointed a member of the Veterans Committee.

Representative Young is no longer a member of the Veterans Committee.

COMMUNICATION

February 10, 2005

Mr. Steve Davis, Chief Clerk
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Dear Chief Davis:

In my previous disclosure letter, I had advised you that my employment was as “of counsel” to the law firm of Polsinelli, Shalton, Welte, Suelthaus P. C. I continue to be in the status “of counsel”. I have no ownership interest in this firm, and the fees earned by other attorneys in the firm do not impact my salary.

There are well over two hundred attorneys in this law firm, many of which may represent parties with an interest in proposed legislation. In the majority of these cases, I will not even be aware of this representation, as clients of my employer exceed ten thousand and change daily. I have become aware that some attorneys in my firm provide some legal representation to utilities that may be impacted by decisions made by the Missouri General Assembly. The representations exist in several states and change rapidly, so the identification of each attorney/client relationship cannot be specific.

To the extent that a particular piece of legislation directly impacts an entity, that I know to be a client of my firm, in a manner different than it impacts other similarly situated entities in that industry, I will abstain from voting on the proposal.

Should you have any questions, please feel free to contact me.

Sincerely,

/s/ Richard G. Byrd

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 4:00 p.m., Monday, February 14, 2005.

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 15, 2005, 8:00 a.m. Hearing Room 4.

Department of Agriculture and Department of Natural Resources budget presentations.

APPROPRIATIONS - EDUCATION

Monday, February 14, 2005, 2:00 p.m. Hearing Room 1.

Presentation from the Department of Higher Education or the Department of Elementary and Secondary Education.

APPROPRIATIONS - EDUCATION

Tuesday, February 15, 2005, 8:00 a.m. Hearing Room 1.

Presentation from the Department of Higher Education or the Department of Elementary and Secondary Education.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 15, 2005, 8:00 a.m. Hearing Room 3.

Finish Department of Mental Health. Recess until evening adjournment.

Evening: Governor's recommendation regarding optional services and eligibility issues.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, February 16, 2005, Hearing Room 6 upon evening adjournment.

Discussion of provider taxes; home and community based services and nursing homes.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Monday, February 14, 2005, 12:00 p.m. Hearing Room 6.

Public Safety budget presentations only.

Meeting will recess and reconvene upon adjournment.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 15, 2005, 8:00 a.m. Hearing Room 6.

Corrections budget presentations only.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 15, 2005, 8:00 a.m. Hearing Room 5.

Department of Insurance.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 15, 2005, Hearing Room 4 upon afternoon adjournment.

Tax Credits.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 16, 2005, 6:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HJR 8

ETHICS

Monday, February 14, 2005, House Chamber south side gallery upon afternoon adjournment.

Approval of Caucuses. Executive session may be held.

HIGHER EDUCATION

Tuesday, February 15, 2005, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 264, HB 103

JOINT COMMITTEE ON EDUCATION

Tuesday, February 15, 2005, 7:00 p.m. Senate Committee Room 1.

Pursuant to Section 610.021, a vote may be taken to hold a closed meeting.

Representative Robb will give a presentation following closed session.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 17, 2005, Hearing Room 1 upon morning adjournment.

Organizational meeting and any other business.

LOCAL GOVERNMENT

Monday, February 14, 2005, Hearing Room 7 upon afternoon adjournment.

Work session on the following bills HB 58, HB 46, HB 47, HB 127, HB 215.

RULES

Monday, February 14, 2005, 2:00 p.m. Hearing Room 4.

Executive session may be held.

Public hearings to be held on: HB 248, HCS HB 119, HCS HB 441, HCS HB 393

SPECIAL COMMITTEE ON EDUCATION FUNDING

Monday, February 14, 2005, 6:00 p.m. Hearing Room 6.

Organizational - Informational only. Brief review of current formula.

Presentation of formula concepts of Joint Committee.

TOURISM

Thursday, February 24, 2005, 9:00 a.m. House Lounge.

Presentation of the annual report by the Tourism Commission.

HOUSE CALENDAR

TWENTY-SECOND DAY, MONDAY, FEBRUARY 14, 2005

HOUSE BILLS FOR SECOND READING

HB 501 through HB 530

SENATE BILLS FOR SECOND READING

1 SS SCS SB 1 & 130

2 SCS SB 10 & 27

HOUSE CONCURRENT RESOLUTION

HCR 17, (2-10-2005) - Cooper (158)